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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 TIMOTHY BRIAN FREEGARD,

13 Defendant.

NO. CR01-241-TSZ

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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15 An evidentiary hearing on a petition for violation of supervised release in this case was
16 scheduled before the undersigned Magistrate Judge on February 15, 2012. The United States
17 was represented by Assistant United States Attorney Seth Wilkinson, and the defendant by
18 Catherine Chaney. The proceedings were digitally recorded.

19 The defendant had been charged and convicted of Bank Robbery, in violation of 18
20 U.S.C. § 2113(a). On or about November 16, 2001, defendant was sentenced by the Honorable
21 Thomas S. Zilly to a term of 120 months in custody, to be followed by 3 years of supervised
22 release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in a substance abuse and
26 mental health programs, financial disclosure, \$78,474.49 restitution, abstain from alcohol, not

1 enter establishments where alcohol sold, submit to search, no new credit line or charges,
2 employment restrictions, and up to 180 days; not enter establishments where alcohol.

3 In a Petition for Warrant or Summons dated February 2, 2012, U.S. Probation Officer
4 Carol A. Chavez asserted the following violations by defendant of the conditions of his
5 supervised release:

- 6 1. Using cocaine on or about August 22, December 22, 2011, and January 17,
7 2012 in violation of the mandatory condition that he refrain from any unlawful
8 use of a controlled substance.
- 9 2. Failure to notify his probation officer with 72 hours of any law enforcement
10 contact on or about November 29, 2011, in violation of Standard Condition No.
11 11.
- 12 3. Failure to notify his probation officer at least ten days prior to any change of
13 employment or residence on or about December 13, 2011, in violation of
14 Standard Condition No. 6.
- 15 4. Associating with a convicted felon on or about January 31, 2012, in violation of
16 Standard Condition No. 9.
- 17 5. Failing to make monthly payments in November, December 2011, and January
18 2012, towards the \$78,474.49 in restitution ordered by the court, in violation of
19 the mandatory and special conditions of supervised release.

20 On February 7, 2012, defendant made his initial appearance. The defendant was
21 advised of the allegations and advised of his rights. On February 15, 2012, this matter came
22 before the Court for an evidentiary hearing. Alleged violations 3 and 4 were dismissed without
23 prejudice by the government. Defendant admitted to violations 1 and 2 and admitted to
24 violation 5 as modified:
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